IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE FOURTEENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE A.GOPAL REDDY

WRIT PETITION NO : 18117 of 2004

Between:

1 Noor Educational Society rep by President, Mirza Ahmed Baig S/o M.M. Hussain Baig R/o Flat No. 104, 1st Floor, Mass Towers Farah Colony, Saidabad Hyderabad
2 Noor Educational Society rep by General Secretary, Mirza Farhathulla Baig S/o Mirza Ahmed Baig, R/o Flat No. 104, 1st Floor, Mass Towers Farah Colony, Saidabad Hyderabad
3 Noor Educational Society rep by Vice President, Smt. Kaneez Fatima W/o Mirza Ahmed Baig, R/o Flat No. 104, 1st Floor, Mass Towers Farah Colony, saidabad hyderabad
4 Noor Educational Society rep byTreasurer, Mirza Mohammed Hussian Baig S/o Mirza Ahmed Baig, R/o Flat No. 104, 1st Floor, Mass Towers Farah Colony, saidabad hyderabad
5 Noor Educational Society rep by Joint Secrtary, Mirza Asadulla Baig S/o Mirza Ahmed Baig, R/o Flat No. 104, 1st Floor, Mass Towers Farah Colony, Saidabad, Hyderabad

..... PETITIONERS

AND

1 The Sub-Registrar, Shamshabad, Ranga Reddy District
2 The District Collector, Ranga Reddy District at Lakdikapool, Hyderabad
3 The Mandal Revenue Officer, Shamshabad Mandal, Ranga Reddy District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus or any other appropriate Writ, order or direction declaring the action of the respondents in not releasing the document Nos.P 758/2003. P 759/2003,P 760/2003.P761/2003 and P 762/2003 of the petitioners herein respectively which are pending before the 1st respondent as illegal, arbitrary,

unreasonable and violative of the Articles 14, 300-A of the Constitution of India and contrary to the provisions of the Registration Act and Rules framed there-under

For the Petitioner: MR.P.RAJAGOPAL RAO, Advocate

For the Respondents: GP FOR REVENUE

The Court at the stage of admission made the following :

ORAL ORDER:

Heard the learned counsel for the petitioner as well as learned Government Pleader for revenue.

The petitioners who purchased the land to an extent of Ac.23-59 guntas situate at Shamshabad village and Mandal in various survey numbers submitted five sale deeds to that extents for registration on 18-10-2003. Since then they are pending with the first respondent-Sub-Registrar, Shamshabad, Ranga Reddy District. Since the Sub-Registrar has not passed any orders either registering the same or rejecting, the present writ petition has been filed.

Various contentions have been raised by the petitioners as well as the respondents stating that Mandal Revenue Officer addressed a letter dt. 21-11-2003 to the Special Grade Deputy Collector and Revenue Divisional Officer, Chevella Division stating that said land are patta lands held by the vendors of the petitioner. In spite of the same, documents were not released by the Sub-Registrar stating he addressed a letter dt. 18-10-2003 to the District Collector seeking clarification, who in turn informed not to register the documents. In view of the same, documents were not registered and released, which according to the petitioner is arbitrary and illegal.

A Division Bench of this court in WA No.1390/2001 dt. 10-9-2001 held that in the absence of any notification issued in terms of Section 22-A of the Registration Act, 1908 the District Collector will not have any jurisdiction directing the registering authority not to register the land. The direction as has rightly been held by the learned single Judge was wholly without jurisdiction.

In view of the same, the first respondent-Sub-Registrar, Shamshabad is hereby directed to take appropriate action for registering the documents and if for any reason the documents cannot be registered, he shall pass necessary orders after due intimation to the petitioners within three weeks from the date of receipt of a copy of the order.

The writ petition is accordingly disposed of.

14-10-2004

kmr

To

1 The Sub-Registrar, Shamshabad, Ranga Reddy District
2 The District Collector, Ranga Reddy District at Lakdikapool, Hyderabad
3 The Mandal Revenue Officer, Shamshabad Mandal, Ranga Reddy District

4. 2 CCs to the Govt., Pleader for Revenue, High Court of A.P.Hyderabad(OUT)

5. 2CD copies